REMARKS

Claims 80-84 and 87-98 are pending in the instant application. Claims 80-84 and 87-98 have been rejected. Claims 80 and 97 have been amended. No new matter has been added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

Claims 80, 81, 87, 88, 89, 90, 91, 92, 93, 94, 95 and 96 remain rejected under 35 U.S.C. 102(a) as being anticipated by Takahashi et al. Claims 80-84 and 87-98 also remain rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al., as applied to claims 80, 81, 87, 88, 90, 91, 92, 93, 94, 95 and 96 in Section III, supra and further in view of Westfall et al.

Arguments and evidence presented by Applicants in the response filed September 15, 2006, that Takahashi et al. is not enabling for detecting TnI peptide fragments as required to be anticipatory, were not deemed persuasive as the Examiner suggests that the claims recite "detection of a covalent or non-covalent complex of at least a peptide fragment of a myofilament protein and intact myofilament protein" in the alternative, which reads on the full length peptide.

Accordingly, in an earnest effort to advance the prosecution of this case, Applicants have amended the claims to clarify that the antibody used in the instant claimed methods specifically binds to the peptide fragment of a myofilament protein, thus excluding antibodies such as taught by Takahashi et al. which are acknowledged by the Examiner to bind TnI with an intact COOH.

Withdrawal of the rejections under 35 U.S.C. 102(a) and 35 U.S.C. 103(a) over Takahashi et al. and Takahashi et al. in further in view of Westfall et al., respectively, is therefore respectfully requested.

The Examiner further suggests in the Advisory Action that "the claims are not commensurate in scope with Simpson et al., which teaches the binding of TnI and TnT fragments, not all fragments recited in the claims (i.e. skeletal myosin light chain 1, skeletal troponin C peptide fragment and skeletal alpha-actin peptide fragment)."

It is respectfully pointed out that the Simpson et al. reference was not provided as evidence of enablement with respect to the instant claimed invention, but rather as evidence that the assay of Takahashi et al. does not inherently detect TnI peptide fragments and thus does not anticipate and/or render obvious the claimed invention. Simpson et al. was provided for its teaching that MAb 3I-35, the antibody used in the assay taught by Takahashi et al.,

does not detect a known peptide fragment of skeletal TnI, even with prolonged exposure of film to chemiluminescent western blot. However, in an earnest effort to advance the prosecution of this case, Applicants have amended the claims to be drawn to skeletal troponin I peptide fragments and skeletal troponin T peptide fragments.

Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Advisory Action of December 7, 2006. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

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